

Order

**Michigan Supreme Court
Lansing, Michigan**

September 28, 2007

Clifford W. Taylor,
Chief Justice

Rehearing No. 541

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

128579
128623-25

DAYLE TRENTADUE, as Personal
Representative of the Estate of
MARGARETTE F. EBY, Deceased,
Plaintiff-Appellee,

v

SC: 128579
COA: 252207
Genesee CC: 02-074145-NZ

BUCKLER AUTOMATIC LAWN SPRINKLER
COMPANY, SHIRLEY GORTON and
LAURENCE W. GORTON,
Defendants-Appellants,
and

JEFFREY GORTON, VICTOR NYBERG,
TODD MICHAEL BAKOS, MFO MANAGEMENT
COMPANY, and CARL F. BEKOFSKI, as
Personal Representative of the Estate of RUTH R.
MOTT, Deceased,
Defendants.

DAYLE TRENTADUE, as Personal
Representative of the Estate of
MARGARETTE F. EBY, Deceased,
Plaintiff-Appellee,

v

SC: 128623, 128624, 128625
COA: 252155, 252207, 252209
Genesee CC: 02-074145-NZ

BUCKLER AUTOMATIC LAWN
SPRINKLER COMPANY, SHIRLEY
GORTON, LAURENCE W. GORTON,
JEFFREY GORTON, VICTOR NYBERG,

TODD MICHAEL BAKOS and CARL
L. BEKOFKSKE, as Personal Representative
of the Estate of RUTH R. MOTT, Deceased,
Defendants,
and

MFO MANAGEMENT COMPANY.
Defendant-Appellant.

In this cause, a motion for rehearing is considered, and it is DENIED.

CAVANAGH and KELLY, JJ., would grant rehearing.

WEAVER, J., dissents and states as follows:

I dissent from the majority of four's decision to deny plaintiffs' motion for a rehearing and repeat the concluding paragraph of my dissent from the majority's opinion in this case, issued July 25, 2007:

Because I disagree with the majority's conclusion that with the enactment of the Revised Judicature Act, the Legislature sought to abrogate the discovery rule, I would affirm the Court of Appeals decision applying the common-law discovery rule and tolling the period of limitations where plaintiff could not have reasonably discovered the elements of a wrongful death cause of action within the limitations period. [*Trentadue v Buckler Automatic Lawn Sprinkler Co*, 479 Mich 378, 407 (2007) (Weaver, J., dissenting).]

Clearly, the majority of four's decision in this case reaches an absurd and unjust result, and lacks common sense.



t0925

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 28, 2007

Corbin R. Davis

Clerk